TL 3831

UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1996/NGO/80
9 April 1996

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 April 1996]

1. Pax Christi, which was the first non-governmental organization to raise the case of East Timor at the Commission on Human Rights would like to address the background to the present situation in the territory.

2. Some might recall a picture that made headlines in 1975. We refer to the picture of an American helicopter landing on the rooftop of the American Embassy in Saigon to rescue fleeing diplomats, CIA agents and their collaborators as Saigon fell to the Vietcong. Cambodia and Laos followed. It was the end of an era and the beginning of another. The picture of the helicopter rescuing the last American diplomats from Saigon illustrated better than a thousand words the ignominious American retreat from Indo-China. America was a pitiful giant retreating in defeat and humiliation from Asia. Or so it seemed. For the leaders in Moscow it was the beginning of Russian expansion and influence, the execution of the Brezhnev doctrine.

3. On another continent, the Portuguese empire had collapsed and Marxist forces gained power in two major African countries, Angola and Mozambique. It seemed that the so-called domino theory first articulated by Lyndon Baines Johnson was being proven correct. It was the domino theory that sustained the United States intervention in Indo-China as it was thought that there would be a domino effect if one single country was to be allowed to fall into the hands of Marxist forces.

4. It was in this geopolitical context that President Gerald Ford, who succeeded Nixon in the aftermath of the Watergate scandal, visited Indonesia. On 6 December 1975, Ford and his Secretary of State, Henry Kissinger, visited Jakarta and conferred with the Indonesian dictator, General Suharto, on security matters in the region.

5. The invasion of East Timor was a mere footnote in the geopolitical events of 1975 and in the following years. Thousands of people who died in the subsequent days, weeks and months were mere footnotes to the post-Viet Nam and the cold wars.

6. It has been more than 20 years since the invasion of East Timor by the armed forces of the Republic of Indonesia. What is the balance sheet of Indonesia's occupation? Within five years of the invasion, by 1981, at least 200,000 people had died. Entire villages were wiped off the face of the earth, tribes obliterated, women raped in front of their husbands, parents tortured and killed in front of their children. The wealth of the country has been looted and the environment destroyed.

7. Twenty years later, the people of East Timor refused to surrender and have contradicted the prophets of doom that such a small nation of no more than 700,000 mostly illiterate peasants could survive the might of the Indonesian army backed by the American arms industry.

8. The situation in East Timor remains explosive. Torture is pervasive and is almost a matter of routine. A massive security crackdown has been in effect for several months with hundreds of arrests. The security forces are deliberately engaged in an anti-Catholic Church campaign and are trying to turn the conflict in East Timor into Muslim v. Catholic. A vast military offensive has been under way for several months.

9. Xanana Gusmao, the leader of the people of East Timor, remains virtually incommunicado in a prison thousands of miles away from his country in contravention of the Fourth Geneva Convention. His trial in 1993 was universally condemned as a charade and was no more valid than the Dutch imprisonment and trial of the late President Sukarno, founding father of the Indonesian Republic. Young East Timorese who use peaceful means to express their anger over the occupation are sentenced to prison terms ranging from 10 years to life. Indonesian soldiers and officers who, on 12 November 1991, shot 271 civilians in cold blood escaped with almost total impunity.

10. The current boundaries of the Republic of Indonesia are a product of the Dutch East Indies administration. West New Guinea was absorbed by the Republic not because of historical, cultural or ethnic kinship or geographic continuity. The only link that justified its forcible annexation was

West New Guinea's brief colonization by the Dutch. The founding fathers of the Republic of Indonesia claimed the entire Dutch East Indies comprising 250 distinct ethnic groups speaking more than 300 languages as the historical, legal and geographical basis of their new republic. Consistent with this, they did not include East Timor in their land-grabbing and empire-building enterprise.

11. Respect for the colonial boundaries is what has kept most of Africa, Latin America and Asia from disintegrating. No Government should take upon itself the task of redrawing a country's boundaries at the expense of its neighbours. This is what Somalia tried to do in 1977 by invading the Ogaden region of Ethiopia and Somalia's problems of the last few years can be traced to that fateful adventure. The Second World War also started with attempts by the Third Reich to expand eastwards. This is also what President Suharto and his many generals, Ali Mortopo, Pangabean, Benny Murdani, did in 1975.

12. Twenty years after the invasion, the problem of East Timor has not disappeared. A video camera in the hands of a courageous cameraman recorded for the first time one of the many massacres that took place in that country. The massacre of 271 Timorese civilians in Dili on 12 November 1991 was not an isolated incident. It followed a well-documented pattern of gross and systematic human rights abuses in many parts of East Timor perpetrated by the members of the Indonesian armed forces with the full knowledge of, and active participation by, the highest ranking officers in the army.

13. From the Chittagong Hill Tracts in Bangladesh to Bougainville in the South Pacific from Sri Lanka to India, Chechnya, Abkhazia and the Ogoniland in Nigeria, millions of peoples seek desperately to assert their right to self-determination. Some demand full independence. Others demand some measure of self-rule. If we attempt to find a common denominator for the problems just listed, there is one: the right of these peoples to self-determination. Governments must be sensitive and wise to the basic demands of their own people and in most cases these demands are not for secession. In most cases these demands are about their survival as people with a language and a culture, with their land and environment protected from rapacious multinationals. Only when these basic demands are not met has there been recourse to other forms of struggle and there is an inevitable escalation in their demands.

14. We understand the very legitimate concerns of developing countries like Indonesia and India in preserving their national unity and territorial integrity. Many developing countries experienced a traumatic nation-building with numerous attempts from within and without to break up the unity of the State. Hence the security culture that permeates the military and the ruling elite. However, the preservation of the territorial integrity of a country can be achieved only if those in power are sensitive to the basic demands and aspirations of the many indigenous peoples and nationalities that make up the country. Brute force might silence and keep dormant the dreams and aspirations of a people but the anger simmering for decades will inevitably blow open and break up the country.

15. The exercise of the rights of a people to self-determination never caused the fragmentation of a country. This has been largely the result of

artificial arrangements imposed on the people. The break-up of Yugoslavia and the USSR do not lend credibility to those advocating the argument that self-determination is the cause of instability and war. The opposite is true.

16. The world has changed dramatically in the last few years. The theorists of irreversibility and status quo have been discredited by the collapse of the USSR. The movement for democracy, human rights and the rule of law is irreversible.

17. Even in the tortured region of Asia some extraordinary events without precedent are taking place. The events in the Republic of Korea are of enormous significance for democracy and the rule of law in the entire Asian region. The brave people of the Republic of Korea who endured decades of dictatorship and occupation won the struggle for democracy not with guns but with their tenacity in fighting the troops in the streets of Seoul and Kwangju. They conquered a democratic form of government but they have not given up the struggle for real democracy and justice. For the first time in the history of Asia, former heads of State and other leaders are being prosecuted for crimes committed while in office.